

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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DANA-FARBER CANCER INSTITUTE,
INC. a/k/a THE JIMMY FUND

Plaintiff,

v.

BOC GROUP, INC. d/b/a BOC GASES

Defendant/Third-Party Plaintiff,

v.

TAYLOR-WHARTON, HARSCO
CORPORATION, GAS & FLUID
CONTROL GROUP and PACER DIGITAL
SYSTEMS, INC.

Third-Party Defendants.

U.S. DISTRICT COURT
DISTRICT OF MASS.

Case No. 1:04-CV-12612-RWZ

REQUEST FOR
ORAL ARGUMENT

**THIRD-PARTY DEFENDANT TAYLOR-WHARTON AND PACER'S
MOTION TO COMPEL DISCOVERY OF PLAINTIFF AND
AMEND EXPERT DISCLOSURE DATE**

Pursuant to Fed. R. Civ. P. Rule 37 and Local Rule 37.1, third-party defendants Taylor-Wharton, Harsco Corporation, Gas & Fluid Control Group ("Taylor-Wharton") and Pacer Digital Systems, Inc. ("Pacer") hereby moves to compel discovery of plaintiff Dana Farber Cancer Institute, Inc. ("Dana Farber") and amend the expert disclosure date. In support of its Motion, Taylor-Wharton and Pacer submits the Affidavit of John J. Weinholz.

WHEREFORE, third-party defendants Taylor-Wharton and Pacer respectfully requests that this Court:

- a. Allow its Motion to Compel Discovery and Amend Expert Disclosure Date;
- b. Compel Dana Farber to produce the subject electrical control panel to Taylor-Wharton and Pacer's electrical engineering expert, Donald Galler, P.E., so that Mr. Galler can examine the panel under a microscope;
- c. Grant leave to allow Donald Galler, P.E. to submit a written report after he has conducted his microscopic review;
- d. Grant such further relief as this Court deems just and appropriate.

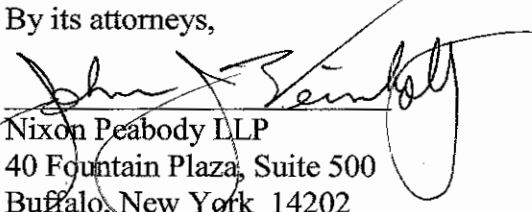
ORAL ARGUMENT REQUESTED

Pursuant to Local Rule 7.1(2)(D), Taylor-Wharton and Pacer, hereby request a hearing for oral argument upon each and every issue raised in their Motion to Compel Discovery and Amend Expert Disclosure Date and accompanying Affidavit as well as each and every issue raised in any Opposition thereto filed by the Plaintiff.

Respectfully submitted,

Taylor-Wharton and Pacer,

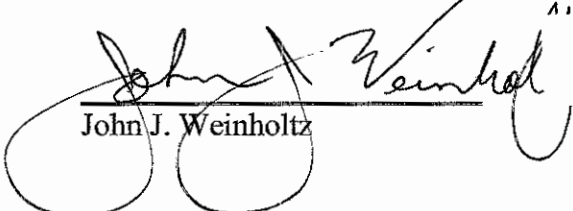
By its attorneys,


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DATED: July 17, 2006

L.R. 7.1(a)(2) Certification

Counsel certifies that they have conferred and have attempted in good faith to resolve or narrow the issue.



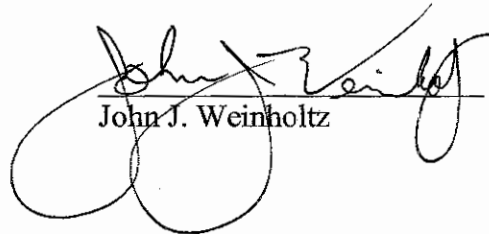
John J. Weinholz

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served via Federal Express this 17th day of July, 2006, upon the following attorneys of record:

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